

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MARK DAVID BLACK EAGLE,

Plaintiff,

vs.

ERIK SLETTEN,

Defendant.

CV 17-167-BLG-SPW-TJC

**FINDINGS AND
RECOMMENDATION**

On December 6, 2017, Plaintiff Mark David Black Eagle filed a notice of change of address. (Doc. 5.) Thereafter, the Clerk's Office sent the following documents to Mr. Black Eagle's address of record by U.S. Mail: a copy of the Hon. Judge Susan P. Watters' Order adopting the undersigned's Findings and Recommendations on Plaintiff's Motion for Reconsideration (Doc. 10); a copy of Judge Watters' Order referring this matter to the undersigned (Doc. 14); and a Notice and Consent to Exercise of Jurisdiction by a United States Magistrate Judge (Doc. 13). Each of these items were returned as undeliverable on December 17, 2018, December 21, 2018, and December 26, 2018, respectively. (Docs. 15, 16, 17.)

The Local Rules of the District of Montana provide:

- (b) Dismissal Due to Failure to Notify. The court may dismiss a complaint without prejudice or strike an answer when:

- (1) a document directed to the attorney or self-represented party by the court has been returned to the court as not deliverable; and
- (2) the court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service.

L.R. 5.2(b).

Sixty days has passed since each of the identified documents were returned to the court as not deliverable. On April 2, 2019, the Court provided Mr. Black Eagle thirty days additional time to provide a current address for service and notified him that his failure to do so would result in this Court recommending his case for dismissal. (Doc. 18.) Thirty days has passed since the Court's Order and Mr. Black Eagle has not notified the Court of his current address for service.

Accordingly, **IT IS HEREBY RECOMMENDED** that Mr. Black Eagle's complaint be dismissed without prejudice, and that all pending motions be denied as moot.

NOW, THEREFORE, IT IS ORDERED that the Clerk shall serve a copy of the Findings and Recommendations of United States Magistrate Judge upon the parties. The parties are advised that pursuant to 28 U.S.C. § 636, any objections to the findings and recommendations must be filed with the Clerk of Court and copies served on opposing counsel within fourteen (14) days after service hereof, or

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objection is waived.

IT IS ORDERED.

DATED this 3rd day of May, 2019.



TIMOTHY J. CAVAN
United States Magistrate Judge